

## REMARKS / ARGUMENTS

Before this amendment, claims 1-9, 11-13, and 21-24 were pending. With this amendment, claims 2-5, 7-8 have been cancelled, and new claims 25-34 have been added. Claims 1, 6, 9, 11-13, 21, and 23 have been amended. All of these amendments are necessary to place the claims in better condition for allowance. With this amendment, claims 1, 6, 9, 11-13, and 21-34 are pending.

Claim 1 has been amended to be directed to "a) a seed-bearing substrate upon" and "d) a seal upon said receptacle" were deleted. Punctuation has been corrected for clarity. "Polymer" has been added before "substrate." Support for the insertion of "polymer" can be found in original claim 6. After "substrate," "containing one or more pre-polymer-reacted, embedded seeds" has been added, and support for this can be found in the specification on page 11, lines 24-26.

Claim 6 has been amended to delete "synthetic" and insert "urethane." Support can be found on page 11, line 26.

Claims 11-13, 21 and 23 have been amended to correct dependency.

New Claims 25-27 are directed to the receptacle comprising or consisting of fibers or coarse fibers. Support can be found in the specification on page 10, lines 7 and 24. New Claim 28 is directed to the receptacle comprising coconut coir or hemp, for which support can be found on page 8, line 7. New Claim 29 is directed to the receptacle being natural or synthetic, for which support can be found on page 8, line 8. New Claim 30 is directed to the receptacle being hydrophilic, for which support can be found on page 11, line 2. New Claim 31 is directed to a seal also being upon the receptacle. Support can be found in previously amended Claim 1 and on page 6, lines 13-14. New Claim 32 is directed to the substrate being polymerized within the receptacle, for which support can be found on page 8, lines 5-8 and on page 11, lines 24-26.

New Claim 33 is directed to a method for making a seed-support medium involving mixing one or more seeds with the pre-polymer components, allowing the components to react to form a polymer, and then inserting the polymer into the receptacle. Support can be found on page 8, lines 10-12 and on page 11, lines 24-26. New Claim 34 is directed to a method for

making a seed-support medium involving mixing one or more seeds with the pre-polymer components, inserting this mixture into the receptacle, and then allowing the components to polymerize in the receptacle. Support can be found on page 8, lines 5-7 and page 11, lines 24-26.

The amendments to the claims do not add new matter.

#### Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 4, 11, and 21-24 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,961,444 to Skaife. The Office Action states that regarding Claim 1, Skaife teaches a seed-support medium comprising: a seed-bearing substrate upon a dry hydrophilic cellular substrate contained within a porous, cup-shaped rigid modular receptacle; and a seal upon the receptacle; wherein the medium is storable without germination of the seed. The Office Action also states that Skaife contains the limitations in Claims 2-4, 11, and 21-24. The Office Action also states that Skaife contains the limitations in Claims 12 and 13, hence applicant will respond as if the rejection were made against these claims as well. Please notify applicant if this is not what was intended so that Applicant may more appropriately respond. Applicant respectfully traverses these rejections and requests reconsideration.

Applicant has amended Claim 1 to be directed to the two-part embodiment of this invention, including the substrate with seeds embedded at the pre-polymer stage in the receptacle. Skaife does not teach every element and limitation of amended Claim 1, thereby obviating this rejection. Claims 2-4 have been cancelled thereby obviating these rejections. Claim 11-13, 21, and 23 have been amended to be dependent upon new Claim 31 which depends upon amended Claim 1, thereby obviating these rejections. Claims 22 and 24 are dependent upon amended Claim 1 thereby obviating these rejections.

Nash et al. (GB2216378) was cited in a previous Office Action. Nash et al. also does not teach every element and limitation of amended Claim 1. Obonai et al. (US 6,615,539) was also cited in a previous action. Obonai et al. does not teach the substrates of the instant invention, and therefore combinations with Nash et al. will not teach every element and limitation of the instant invention.

### Rejections Under 35 U.S.C. § 103(a)

Claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,961,444 to Skaife in view of U.S. Patent No. 6,615,539 to Obonai et al. Applicant respectfully traverses these rejections and requests reconsideration. Claims 7 and 8 have been cancelled and Claim 6 is now dependent on amended Claim 1, thereby obviating these rejections.

Claims 5 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,961,444 to Skaife in view of U.S. Patent No. 4,124,953 to Patton. Applicant respectfully traverses these rejections and requests reconsideration. Claim 5 has been cancelled and Claim 9 is dependent on amended Claim 1, thereby obviating these rejections.

### Additional Rejections Under 35 U.S.C. § 102(b)

Claims 1-4, 9, and 21-24 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,124,953 to Patton. The Office Action also states that Patton contains the limitations in Claims 12 and 13, hence applicant will respond as if the rejection were made against these claims as well. Please notify applicant if this is not what was intended so that Applicant may more appropriately respond. The Office Action states that regarding Claim 1, Patton teaches a seed-support substrate upon a dry hydrophilic cellular substrate with a porous, cup-shaped rigid modular receptacle; and a seal upon the receptacle; wherein the medium is storable without germination of the seed. Applicant respectfully traverses these rejections and requests reconsideration.

Claim 1 has been amended to be directed to the two-part embodiment of this invention, as described above. Patton does not teach that one or more seeds are embedded in a substrate, but in a recess of a substrate (column 3, lines 7-8), therefore Patton does not teach every element and limitation of Claim 1, thereby obviating this rejection. Claims 2-4, 9, 12-13, and 21-24 are dependent upon Claim 1, thereby obviating these rejections.

### Additional Rejections Under 35 U.S.C. § 103(a)

Claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,124,953 to Patton in view of U.S. Patent No. 6,615,539 to Obonai et al. Applicant respectfully traverses these rejections and requests reconsideration. Claims 7 and 8 have been cancelled and Claim 6 is now dependent on amended Claim 1, thereby obviating these rejections.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,124,953 to Patton. Applicant respectfully traverses this rejection and requests reconsideration. Claim 11 is now dependent on new Claim 32 which is dependent upon amended Claim 1, thereby obviating this rejection.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,124,953 to Patton in view of U.S. Patent No. 4,790,105 to Waring. Applicant respectfully traverses this rejection and requests reconsideration. Claim 5 has been cancelled, thereby obviating this rejection.

### SUMMARY OF REJECTIONS

Amendments to and cancellations of claims have obviated the rejections of:

- Claims 1-3, 4, 11-13, and 21-24 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,961,444 to Skaife;
- Claims 6-8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,961,444 to Skaife in view of U.S. Patent No. 6,615,539 to Obonai et al.;
- Claims 5 and 9 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,961,444 to Skaife in view of U.S. Patent No. 4,124,953 to Patton;
- Claims 1-4, 9, 12-13, and 21-24 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,124,953 to Patton;
- Claims 6-8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,124,953 to Patton in view of U.S. Patent No. 6,615,539 to Obonai et al.; and
- Claim 5 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,124,953 to Patton in view of U.S. Patent No. 4,790,105 to Waring.

## CONCLUSION

This application appears to be in condition for allowance, therefore passage to issuance is respectfully requested. Before this amendment, this application contained 1 independent claim and 15 dependent claims, but when this application was filed it contained 3 independent claims and 17 dependent claims, and after this amendment this application contains 3 independent claims and 17 dependent claims, therefore it is believed that no claim fees are due. Applicant believes that \$750 is due for the fee set forth in § 1.17(m) for the Petition to Revive that \$395 is due for the fee set forth in § 1.17(e) for the Request for Continued Examination. Therefore, this Petition/Request/Amendment is accompanied by a check in the amount of \$1145.

Respectfully submitted,



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